

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

FILED
JULY 9, 2003

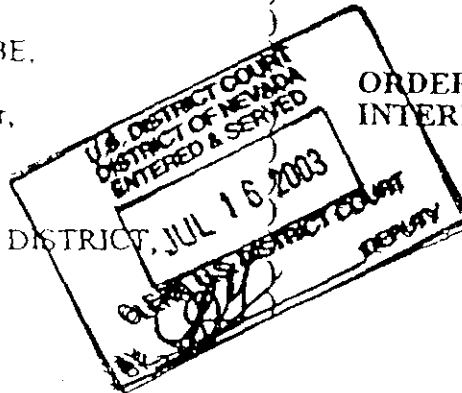
CLERK
JAMES S. WILSON
IN EQUITY NO. C-125
SUBFILE NO. C-125-B

PLAINTIFF,
WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,



ORDER - DISCLAIMER OF
INTEREST

The following background information is provided to aid in understanding the reasons for and what is required by this Order.

1. The Court has ordered that certain persons and entities be included as parties in this action because they own water rights within one or more of the nine categories set forth in Paragraph 3 of the Court's April 18, 2000 Case Management Order.

2. It is possible that some of the specific persons or entities who are served with a Waiver of Service of Notice in Lieu of Summons, Notice of Lawsuit, or a Notice in Lieu of Summons do not belong in this action, because, for example, they may have sold or otherwise conveyed the ownership of all water rights subject to this action prior to being served.

3. A change in ownership of a water right can occur in a number of ways and for a variety of reasons. Often a change in ownership of a water right occurs when ownership of the land on which the water is used changes. A change in ownership may involve a sale, a gift, a death or even a divorce. It may also involve estate or business planning decisions, such as conveyance to an inter vivos trust or a limited liability company. Frequently, changes in ownership are accomplished by a deed. However, in an estate or divorce proceeding, they may be accomplished by an order of a court. These examples are not an exclusive list of all of the

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1 ways in which a change in ownership may occur.

2 4. It is important that the Court and the Plaintiffs be notified if a person or entity
3 who receives service by mail or personal service does not, in fact, have any ownership interest
4 in a water right in any of the nine categories set forth in Paragraph 3 of the Court's April 18,
5 2000 Case Management Order. In addition, that person or entity need not be burdened with
6 this litigation and, if there was a change in ownership, a new party may need to be added to the
7 action. Before any such person may be omitted from this action, certain information and
8 documents will have to be provided to the Plaintiffs and the Court.

9 Based upon the foregoing, it is hereby ORDERED as follows:

10 1. If any person or entity receiving service by mail or personal service has no
11 interest in any water right within any of the nine categories set forth in Paragraph 3 of the *Case*
12 *Management Order* (Apr. 18, 2000)^{1/}, that person or entity shall notify the Court and the

13 _____
14 2/ You should review the *Case Management Order* and *First Amended Counterclaims* filed
15 by the United States and by the Walker River Paiute Tribe, which are included in the materials
16 served upon you. For convenience, the nine categories of persons and entities that the Court
has ordered to be served and named are listed here:

- 17 1. Category 3.a.: The successors in interest to all water rights holders under the Decree
18 (April 14, 1936), modified, Order of Entry of Amended Final Decree to Conform to
Writ of Mandate, Etc. (April 24, 1940) ("Decree").
- 19 2. Category 3.b.: All holders of surface water rights under the laws of the States of
20 Nevada and California in the Walker River Basin who are not presently parties to this
21 adjudication.
- 22 3. Category 3.c.: All holders of permits or certificates to pump groundwater issued by
23 the State of Nevada and domestic users of groundwater within Sub Basins 107 (Smith
Valley), 108 (Mason Valley), 110A (Schurz Subarea of the Walker Lake Valley), and
24 110B (Walker Lake Subarea of the Walker Lake Valley).
- 25 4. Category 3.d.: All holders of permits or certificates to pump groundwater issued by
26 the State of Nevada within Sub Basins 106 (Antelope Valley), 109 (East Walker), and
110C (Whiskey Flat-Hawthorne Subarea of Walker Lake Groundwater Basin).
- 27 5. Category 3.e.: All users of groundwater for irrigation in California in the Walker
28 River Basin.

1 United States in writing of that fact

2 2. If such person or entity sold or otherwise conveyed ownership of all of the water
3 rights that the person or entity once owned before they were served or otherwise brought into
4 this action, in addition to disclaiming any interest in this action, they shall include a notice
5 providing the following information:

- 6 A. The name and address of the person or entity who sold or otherwise
7 conveyed ownership;
8 B. The name and address of each person or entity who acquired ownership;
9 and
10 C. A copy of the deed, court order or other document by which the change
11 in ownership was accomplished.

12 3. The disclaimer and notice shall be sent to the Court and counsel for the United
13 States, addressed as follows:

14 Linda Lea Sharer, Chief Deputy Clerk
15 United States District Court for the District of Nevada
16 400 South Virginia Street, Suite 301
17 Reno, NV 895501

18 Susan L. Schneider
19 United States Department of Justice
20 P.O. Box 756
21 Littleton, CO 80160

22 4. The form and substance of the disclaimer and notice shall substantially conform
23 to the form attached to this Order as Exhibit A.

24 5. Following their receipt from any person or entity disclaiming any interest in any

25 6. Category 3.f.: All holders of "vested rights" to the use of groundwater under the laws
26 of the State of Nevada within the Walker River Basin.

27 7. Category 3.g.: All municipal providers in Nevada within the Walker River Basin
28 who currently use groundwater

 8. Category 3.h.: All municipal providers in California within the Walker River Basin
who currently use groundwater.

 9. Category 3.i.: All industrial users in Nevada within the Walker River Basin who
currently use groundwater.

1 of the water rights at issue in this case of a Waiver of Service of Notice in Lieu of Summons
2 and any Disclaimers of Interest and accompanying information and documents sought by this
3 Order, Plaintiffs will review the materials received and, if appropriate, seek the Court's
4 concurrence in omitting that person or entity filing such materials from this case.

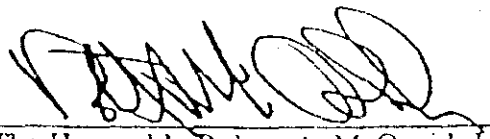
5 6. If Plaintiffs do not receive a Waiver of Service of Notice in Lieu of Summons
6 and must personally serve a person or entity that subsequently files a Disclaimer of Interest
7 pursuant to this Order, Plaintiffs will also review the materials received and, if appropriate,
8 seek the Court's concurrence in omitting the person or entity from this case, but that person or
9 entity may be subject to paying the costs related to formal personal service on them.

10 7. Despite the above provisions, any person or entity who files a Disclaimer of
11 Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
12 any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to
13 this litigation, shall nevertheless be bound by the results of this litigation.

14 8. Any person or entity subject to service under the Federal Rules of Civil
15 Procedure who receives notice of this action in the manner provided by Federal Rule of Civil
16 Procedure 4(d) remains subject to the duty to avoid unnecessary costs of serving the summons,
17 even if that person or entity ultimately disclaims any ownership interest in any of the water
18 rights described by Paragraph 3 of the Court's April 18, 2000 Case Management Order.

19 IT IS SO ORDERED:

20 Dated: July 9, 2003.

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22 
23 The Honorable Robert A. McQuaid, Jr.
24 United States District Court Magistrate Judge
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water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information.

1. The name and address of the party or parties who sold or otherwise conveyed ownership:

Name(s): BAY INVESTMENT ACQUISITION LLC

Street or P.O. Box: 100 CANAL DRIVE

Town or City: GARDENVILLE

State: NV

Zip Code: 89410

The name and address of each person or entity who acquired ownership

Name(s): FERNANDEZ, JANET
BELL, MARK R

Street or P.O. Box: 4600 DOWNING CT.

Town or City: GRANITE BAY

State: CA

Zip Code: 95746

3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

☐ Deed

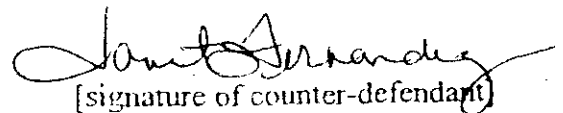
☐ Court Order

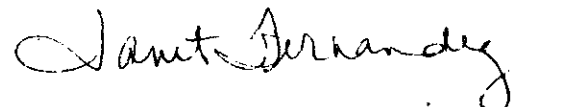
☒ Other Document. RESOLUTION RESTITUTION OF
WATER RIGHTS (new construction)
BUILDING PERMIT

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 20th day of MARCH 2007.


[signature of counter-defendant]


JANET FERNANDEZ
[name of counter-defendant]

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[name, if applicable, of person acting on
behalf of counter-defendant]

[signature, if applicable, of person acting on
behalf of Counter-Defendant]

[address]

[telephone number]

RESOLUTION

**A RESOLUTION SETTING THE NEW WATER CONSUMPTIVE USE
PROFILE
FOR THE DAYTON WATER UTILITY**

RECEIVED

NOV 27 2001

LYON COUNTY UTILITIES

WHEREAS, the County of Lyon operates and maintains a Water
Utility Service Area within the Dayton Valley Ground Water Basin;

WHEREAS, customer water use data indicates consumptive use is
below 1.12 acre-feet per year;

WHEREAS, Capital Engineering prepared the Water
Consumptive Use Profile Study, a comprehensive study of the Dayton Water
Utility;

WHEREAS, on October 11, 2001, the State Department of
Conservation and Natural Resources, Division of Water Resources (State)
approved water rights dedication requirements;

WHEREAS, the County of Lyon has determined at this time to
establish common water rights dedication requirements as approved by the State;

NOW, THEREFORE, BE IT RESOLVED,

That beginning November 16, 2001 the Board of Lyon County Commissioners
does hereby set the water consumptive use profile dedication for single family
homes for the Dayton Water Utility as follows:

| REQUIRED DEDICATION OF WATER RIGHTS (ACRE-FEET) | LOT SIZE (FEET SQUARED) |
|---|---------------------------------|
| 0.7 | 10,000 AND UNDER |
| 0.85 | OVER 10,000 AND UP TO 12,000 |
| 0.95 | OVER 12,000 AND UP TO 16,000 |
| 1.12 | OVER 16,000 |

PASSED, APPROVED AND ADOPTED this 15th day of November,

2001 by the following vote of the Lyon County Board of Commissioners:

AYES: Fulstone, Goodman, Hillyard, Hunewill, Milz

NAYES: 0

ABSENT: 0

ABSTENTIONS: 0

BOARD OF LYON COUNTY
COMMISSIONERS


By: Chairman

Attest:



County Clerk

LYON COUNTY BUILDING PERMIT

Mark Bell

92 Hawk View Road, Wellington

10-191-15

B-28003 DATE 2/10/2006

Jerry Olsen Construction

Residence/Garage

Flood Zone C-0475 B

Class. R-3/U

Set Backs: F 30 S 10 R 20

Block Sub 12-1-23 PER W2 SE4 PAR B

This card must be kept in a conspicuous place on or in the building and made readily available to County Inspectors. Inspection must be called for and made by Sec. 109 of the Building Code.

IMPORTANT NOTICE

THIS CARD SHALL EXPIRE BY LIMITATION OF 180 DAYS AFTER WORK IS INITIATED (ONE 180 DAY EXTENSION ALLOWED) IBC 105.5

N. Campbell S. Medina

INSPECTION RECORD

TELEPHONE 463-6591, 577-5035

| | DATE | INSPECTOR | REMARKS |
|--|---------|-----------|---|
| Footing | 2-14-06 | JR-200 | |
| Stemwall | 2-17-06 | JD-200 | |
| Slab or Underfoot | 2-27-06 | JD-200 | |
| *A* Flood zones require elevation certificate for lowest floor prior to further inspections per Section 109 of Building Code | | | |
| Roof Sheathing | 4-17-06 | JD-200 | |
| Shear Nail | 3-10-06 | JD-200 | |
| Stucco Lath | | | |
| Frame, Rough Electric, Rough Plumbing, Gas Test | 5-2-06 | | See Excavation |
| Insulation | 5-9-06 | | All batt hatched |
| Sheetrock | 5-16-06 | | |
| Wood-Store/AS | 8-3-06 | | Spec |
| Septic Tank/Sewer Lateral | 6-16-06 | | Final |
| Water Lateral | 6-16-06 | | |
| Sewer/Water Final Approval | | | Utility Co. or GUD approval required prior to final |
| Local Fire Department | | | Commercial Permits |
| Mfg. Home Convention | | | |
| Power - Gas Service | 3-14-06 | JD-200 | Apply for service required |
| | 7-27-06 | JD-200 | |

THIS BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE AND CERTIFICATE OF OCCUPANCY ISSUED. THIS CARD WHEN SIGNED CONSTITUTES C. O. FOR SINGLE FAMILY RESIDENCE AND ACCESSORY.

FINAL INSPECTION

8-3-06

DATE

JD-200

BUILDING INSPECTOR